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**To:** Examiner Michael Peffley, USPTO  
**Telephone:** 703 308-4305

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**From:** Paul Davis  
**Telephone:** (650) 324-7041

**No. of Pages:** 22 (including cover)**Date:**

4983/39238-0752

**Message:**

In re application of: Stern  
Serial No.: 10/072,475  
Filed: 02/06/2002  
For: Handpiece for Treatment of Tissues

**OFFICIAL FILING****PLEASE DELIVER TO EXAMINER PEFFLEY, GROUP 3739**

SV 447475 v1  
4/8/05 11:42 AM (39238.0752)

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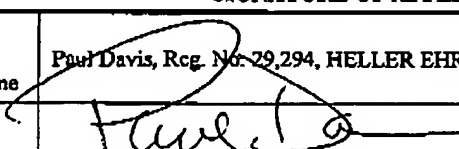
PTO/SB/21 (6-99)


Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/072,475
		Filing Date	02/06/2002
		First Named Inventor	Stern
		Group/Art Unit	3739
		Examiner Name	Peffley, Michael F.
Total Number of Pages in This Submission	21	Attorney Docket Number	39238-0753

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> Exhibits <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Status Claimed <input type="checkbox"/> Statement under 3.73(b)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): stamped return postcard
Remarks <b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.</b>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Paul Davis, Reg. No. 29,294, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	April 8, 2005	Customer Number:	25213

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile to (703) 872-9306 and addressed to: <u>Examiner Peffley</u> , U.S. Patent and Trademark Office, on the date indicated below..			
Typed or printed name	Sidney Manibusan		
Signature		Date	April 8, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# COMBINED FEE TRANSMITTAL for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), &amp; (i))

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/072,475
Filing Date	02/06/2002
First Named Inventor	Stern
Examiner Name	Peffley, Michael F.
Art Unit	3739
Attorney Docket No.	39238-0753

## METHOD OF PAYMENT (check one)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number: 08-1641

Deposit Account Name: Heller Ehrman White &amp; McAuliffe LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below  
☒ Credit any overpayments and charge any deficiencies  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	135	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

SUBTOTAL (1) \$0

## 2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims		Fee from above		Fee Paid	
Total Claims	-20** =	x		=	
Independent Claims	-3** =	x		=	

\*\*or number previously paid, if greater; For Reissues see below

Multiple Dependent

SUBTOTAL (2) \$0

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(g).

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)
-100 =	/50 =		x 250 OR x 125	

SUBTOTAL (3) \$0

## FEE CALCULATION (continued)

4. PETITION FEES UNDER 37 CFR 1.17 (f)  
 Fee Code: 1462 Fee \$ 400 For petitions filed under:  
 § 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)

5. PETITION FEES UNDER 37 CFR 1.17 (g)  
 Fee Code: 1463 Fee \$ 200 For petitions filed under:  
 § 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.293; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25

6. PETITION FEES UNDER 37 CFR 1.17 (h)  
 Fee Code: 1464 Fee \$ 130 For petitions filed under:  
 § 1.19(a); § 1.84; § 1.91; § 1.102(d); § 1.138(e); § 1.313; § 1.314

7. PROCESSING FEES UNDER 37 CFR 1.17 (i)  
 Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under:  
 § 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(c); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81

## 8. OTHER FEES

Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for ex parte reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
120	60	Extension for reply within first month	120
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
500	250	Filing a brief in support of an appeal	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1,510	1,510	Petition to institute a public use proceeding	
500	250	Petition to revive - unavoidably abandoned application	
1,500	750	Petition to revive - unintentionally abandoned application	
50	50	Processing fee for provisional apps (37 CFR 1.17(i))	
180	180	Submission of Information Disclosure Statement	
1,000	500	Request for oral hearing	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
790	395	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (4+5+6+7+8) \$ 120

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type) Paul Davis

Registration No. (Attorney/Agent)

29,294

Complete (if applicable)

Telephone 650 324-7041

Practitioner's Docket No. 39238-0753

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

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Examiner: Peffley, Michael F..

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Introductory Comments

Responsive to the office action mailed 01/03/2005, please consider the following amendments and remarks.

Claims listing begins on page 2 of this paper.

Remarks begin on page 18.

Attorney Docket No.: 39238-0753  
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AMENDMENT OR RESPONSE TO OFFICE ACTION - PAGE 1